

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

**DEALER SPECIALITIES
INTERNATIONAL, INC.,**

Plaintiff,

v.

Case No: 6:18-mc-58-Orl-41LRH

**CAR DATA 24/7, INC. and DEALER360,
INC.,**

Defendants.

ORDER

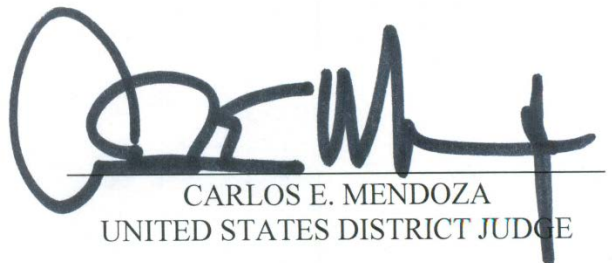
THIS CAUSE is before the Court on the Impleader Defendants' Motion to Dismiss Plaintiff's Supplemental Complaint ("MTD," Doc. 38) and Plaintiff's "Unopposed Motion Requesting that Court Direct Clerk to Designate Case Management Track and Direct Parties to Confer and Submit a Case Management Report" ("Motion for CMR," Doc. 40). Plaintiff filed a Response to the MTD (Doc. 39). United States Magistrate Judge Leslie R. Hoffman issued a Report and Recommendation ("R&R," Doc. 41), which addressed both motions. Judge Hoffman recommends that the MTD be granted in part and denied in part and that the Motion for CMR be granted. (*Id.* at 23–24).

After a *de novo* review of the record, and noting that no objections were timely filed, the Court agrees entirely with the analysis set forth in the Report and Recommendation. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 41) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Plaintiff's "Unopposed Motion Requesting that Court Direct Clerk to Designate Case Management Track and Direct Parties to Confer and Submit a Case Management Report" (Doc. 40) is **GRANTED**.
3. The Clerk is directed to convert this matter into a civil case and to designate this case as a Track Two case pursuant to Local Rule 3.05.
4. **On or before May 13, 2020**, Plaintiff shall pay the difference in the filing fees. Failure to do so may result in dismissal of this case without further notice.
5. **On or before June 29, 2020, 2020**, the parties are directed to meet and confer to prepare a Case Management Report and to file the Case Management Report with the Court. The parties may meet and confer telephonically.
6. The Impleader Defendants' Motion to Dismiss Plaintiff's Supplemental Complaint (Doc. 38) is **GRANTED in part** and **DENIED in part**.
7. Counts VI and VII of the Supplemental Complaint (Doc. 28) are **DISMISSED without prejudice**.
8. **On or before May 13, 2020, 2020**, Plaintiff may file an amended complaint. Failure to do so may result in the with prejudice dismissal of Counts VI and VII without further notice.

DONE and **ORDERED** in Orlando, Florida on April 29, 2020.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record